

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action. Applicant appreciates the indication of allowability of claims 3-5, 8-12, 17-20, 22 and 26. Applicant will gladly rewrite these claims in independent form if required to overcome the objections noted in the Office Action. However, Applicant respectfully requests reconsideration of the rejected claims in view of the following remarks. Upon consideration of these remarks, it is believed that such recasting of the dependent claims in independent form will be unnecessary.

Regarding the Specification

On reviewing the present specification, a minor typographical error was noted and is corrected by this amendment.

Regarding the Claim Amendments

The dependency of claim 24 has been corrected as noted by the Examiner. Applicant appreciates the Examiner's notation of this minor error and has accordingly made correction.

Claim 11 has been amended to correct the use of the closed ended language "consists of" to open ended language "comprises."

Regarding the Rejections Under 35 U.S.C. §102 Based on Abbruscato '846

1) Claims 1, 2, 6, 14 and 15 were rejected based upon the Abbruscato '846 reference as anticipated. It is noted that Applicant is in fact Mr. Abbruscato of the Abbruscato '846 patent and is therefore intimately familiar with the operation of Abbruscato '846. The Office Action asserts that amplifier 16 is a "low frequency boost circuit" in accordance with the claims. However, it is noted that the amplifier 16 of Abbruscato '846 is in fact an amplifier that amplifies the entire pass band equally. Independent claims 1 and 14 require more. As disclosed in paragraphs [0033] and [0036] of the present application and as claimed, the "*low frequency boost circuit*" amplifies "*a portion of the first analog auscultation signal having frequencies lower than a predetermined frequency level to generate a boosted segment signal*" (for example as recited in claim 1). Paragraph [0041] further explains that the low frequency boost circuit

Application No.: 10/714,373

compensates for the poor low frequency response of the CODEC and the microphone. Abbruscato '846 fails to provide such teaching or any suggestion that the amplification provided by amplifier 16 provides amplification that is limited to frequencies lower than a predetermined frequency. In the absence of any such disclosure, one having ordinary skill in the art would correctly presume that amplifier 16 amplifies the entire band of frequencies from the chest piece 14, and hence fails to meet the limitations of claims 1 and 14.

2) It is further noted that claims 1 and 14 call for *"a local encoder coupled to the chest piece assembly and to the first low frequency boost circuit and responsive to the first analog auscultation signal and the boosted segment signal to generate a compressed digital auscultation signal"*. Note that this feature requires that both the chest piece assembly and the low frequency boost circuit be coupled to the local encoder. This results in the low frequency boosted signal being added back to the un-boosted signal to produce the signal that is encoded at encoder 34. Abbruscato '846 has no such teaching or suggestion. Note, for example, that in Fig. 1 of Applicant's application, the output of very low frequency boost circuit 32 and the output of chest piece 18 are both coupled to the encoder 14 (with the chest piece signal being first amplified by amplifier 28 – amplifier 28 being analogous to amplifier 16 of Abbruscato '846¹).

There is no teaching or suggestion of these features in Abbruscato '846. Hence, it is submitted that claims 1, 2, 6, 14 and 15 are neither anticipated nor obviated by Abbruscato '846.

Regarding the Rejections under 35 U.S.C. §102 Based Upon Grasfield

The Office Action asserts that claims 1, 2, 6, 14 and 15 are anticipated by Grasfield, and specifically equates that amplifier 168 to Applicant's low frequency boost circuit. As best as can be determined by the undersigned, Grasfield's entire disclosure of the nature of amplifier 168 is contained in paragraph [0092] thereof which merely indicates that the amplifier 168 provides buffering and amplification. Accordingly, the arguments presented above in paragraph 1) are equally applicable. Furthermore, it is apparent that multiple signals are not coupled to the

¹ It is noted that Applicant clearly intends that the term "coupled" should not be limited to direct coupling, as exemplified by the embodiment described in connection with Fig. 1 in which the signal from the chest piece 18 is amplified first at amplifier 28 before being passed to both the low frequency boost circuit and the encoder.

encoder with signal path having a low frequency boost and the other bypassing the low frequency boost as claimed. Hence, the arguments presented in paragraph 2) are similarly equally applicable.

In view of these shortcomings of Grasfield, it is clear that the claims are neither anticipated nor obviated by Grasfield.

Regarding the Rejections under 35 U.S.C. §103

Claims 7 and 16.

Claims 7 and 16 were rejected as obvious in view of the combination of either Grasfield or Abbruscato '846 in view of Abbruscato '902. It is again noted that the present Applicant is in fact the same person as the inventor of Abbruscato '902 and is, hence, intimately familiar with its teachings. Abbruscato '902 is cited for disclosure of switch 57. Applicant notes, however, that the above arguments regarding to the parent claims of claims 7 and 16 are equally applicable to these claims. Neither Abbruscato '902 nor Abbruscato '846 nor Grasfield singly or in combination teach or suggest the features discussed in paragraphs 1) and 2) above. In order to establish a viable case of *prima facie* obviousness, each and every claim feature must be taught or suggested by the cited art (MPEP 2143.03). In view of the cited art's failure to teach or suggest the features discussed in paragraphs 1) and 2) above, it is submitted that claims 7 and 16 are not obviated by any of the art of record taken either singly or in combination.

Claims 13, 21 and 23-25.

These claims were rejected as obvious over the combination of Grasfield in view of Sedgwick. The Office Action asserts that claims 13 and 21 are disclosed in Grasfield except for the failure to disclose that the chest piece assembly is detachably coupled to the local transmitting section. Sedgwick is used for its disclosure of a detachable headpiece 12. Applicant again notes that Grasfield is deficient for the reasons cited in paragraph 1) and 2) above – such claim features being present in claim 1 from which claim 13 depends. Accordingly, for similar reasons, it is submitted that claim 13 is not obviated by Grasfield in combination with Sedgwick for failure to disclose or suggest each claim feature.

Application No.: 10/714,373

Regarding claims 13 and 21-25, it is noted that these claims require "*the local stethoscope unit being configured to operate in the local transmit mode and the remote stethoscope unit being configured to operate in the remote receive mode in response the chest piece assembly being coupled to the local transmitting section and not coupled the remote transmitting section*" or similar limitations. That is, a configuration of the operation of the local stethoscope unit is established by a state of the chest piece assembly being coupled to or not coupled to the local transmitting section. Hence, detaching or attaching the chest piece assembly configures the operation of the local stethoscope unit to operate as either a transmitter or a receiver. There is no such teaching or suggestion in the Sedgwick reference or any other reference of record. As the Office Action accurately notes, the headpiece 12 is detachable so that a physician may determine the optimal headpiece for a particular patient. There is no teaching or suggestion that attaching or detaching a headpiece can be used to alter an operational configuration of the stethoscope system from operation as a transmitter to operation as a receiver. Accordingly, the proposed combination falls short of teaching or suggesting claims 13 and 21 -25 and when all features of claims are properly considered.

Concluding Remarks

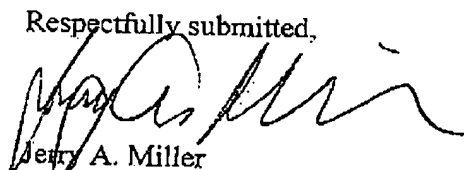
Applicant again notes with appreciation the indication of allowability of claims 3-5, 8-12, 17-20, 22 and 26 and submits that recasting these claims in independent form is unnecessary in light of the above arguments. In view of the above, it is submitted that all claims are in condition for allowance. The undersigned notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone interview. The

Application No.: 10/714,373

undersigned can be reached at the telephone number below, and will be happy to work with the Examiner toward expediting prosecution of this application.

Respectfully submitted,



Jerry A. Miller
Registration No. 30,779

Dated: May 5, 2006

Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982
Customer Number 24337

Application No.: 10/714,373

-14-